

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 2.9.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.29501 of 2012

M.A.SYED MOHAMMED

... PETITIONER

Vs

1. THE COMMISSIONER OF POLICE
EGMORE, CHENNAI-600 008.
2. THE ASST. COMMISSIONER OF POLICE,
NEELANGARAI POLICE STATION
NEELANGARAI, CHENNAI-41.
3. THE INSPECTOR OF POLICE
J8, NEELANGARAI POLICE STATION
NEELANGARAI, CHENNAI-41.
4. V.M.S.HAJARA BEEVI
NO.57, LABBAI STREET
PUDUPET, CHENNAI-2.
5. K.R.SELVARAJ KUMAR
6. R.NAGARAJAN
5 AND 6 BOTH RESIDING AT NO.1
ULAGANATHAPURAM MAIN ROAD
ENNORE, CHENNAI-57.
7. A.MOHAMED ISMAIL
NO.96/60, BANGARU NAICKER STREET
MOUNT ROAD
CHENNAI-2.
8. N.K.PANNEER SELVAM

9. P.RANI
8 & 9 BOTH RESIDING AT NO.1/1
BEGUM MAIN STREET
ROYAPETTAH, CHENNAI-14.

... RESPONDENTS

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to grant adequate police protection to the petitioner and his men for his peaceful possession and enjoyment of the property viz. All that piece and parcel of vacant land comprised in Survey No.1/1 as per patta No.1864 and New Survey No.1/78, Site C in Chinnandikuppam Main Road, Injambakkam, Tambaram Taluk, Kancheepuram District, measuring 31.22 cents and consequently direct the respondents 1 to 3 to initiate action on the complaint dated 18.5.2012 submitted by the petitioner to the first respondent, in accordance with law within a time to be stipulated by this Court.

For petitioner : Mr.T.K.S.Gandhi

For respondents : Mr.R.Ravichandran
AGP for R1 to R3
Mr.R.S.Mohan for R4
Mr.J.B.Solomon Peter Kamaladoss
for R5
Mr.S.Sivashankar for R8 and R9

ORDER

Heard the learned counsels appearing for the parties concerned.

2. At this stage of the hearing of the writ petition, a counter affidavit has been filed on behalf of the fifth respondent. Paragraph 5 of the said counter affidavit reads as follows:

"5. As far as the allegations contained in para 2 of the affidavit are concerned, I submit that they are a distortion of facts. I further submit that I was approached by the 4th respondent herein, on 18.2.2004, through one Mr.E.Padmanaban and the 4th respondent herein offered to sell the property in question for a total consideration of Rs.20,00,000/- (Rupees Twenty Lakhs only) and thereafter an agreement for sale was entered into between me and the 4th

respondent herein on 5.3.2004 and as per the covenants of the said agreement for sale, I had to pay a sum of Rs.17,00,000/- (Rupees Seventeen Lakhs only) as advance sale consideration and the balance amount of Rs.3,00,000/- (Rupees Three Lakhs only) was to be paid at the time of the registration of the sale deed. Thereafter I had paid the said sum of Rs.17,00,000/- on the same day itself as cash in the presence of witnesses after which the 4th respondent herein handed over the original sale deed in Doc No.5463/1995 on the file of SRO, Adayar and I had been put in actual possession of the property in question as early as 5.3.2004 and till date I am in actual physical possession and enjoyment of the property in question. Whenever I requested the 4th respondent to come forward to execute a sale deed, the same was delayed by the 4th respondent by giving lame excuses and in such circumstances, I had come to know that the 4th respondent herein had executed a sale deed in Doc No.6408/2005 dated 11.11.05 to and in favour of one Mr.Sreenivasaraj herein and thereafter the said Mr.Sreenivasaraj executed a Sale Deed in respect of the property in question to in favour of the Writ Petitioner herein vide document No.1952/2006 dated 28.3.2006. Subsequently, the said Mr.Sreenivasaraj, had mysteriously on the very next day i.e. 29.03.2006, executed a sale deed in respect of the same property vide document No.1976/2006 to and in favour of Rusheed Sultan, shameem Adera and Suhail Ahmed, before the SRO, Neelangari."

3. In view of the averments made in paragraph 5 of the counter affidavit filed on behalf of the fifth respondent, no further orders are necessary in the present writ petition. Hence, the writ petition stands closed. No costs. Connected M.P.No.1 of 2012 is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To:

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NEELANGARAI, CHENNAI-41.
3. THE INSPECTOR OF POLICE
J8, NEELANGARAI POLICE STATION
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+1cc to Mr.S.SivaShankar, Advocate, S.R.No.46980
+1cc to the Government Pleader, S.R.No.47619

W.P.No.No.29501 of 2012

PPA(CO)
CA(30/09/2015)



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